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CRP.No.84 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.84 of 2026 and
CMP.No.267 of 2026

1. V.Shanmugham
2. P.Pannimalar
3. S.Mugilan

... Petitioners

Vs.

1. P.Kumar
2. P.Sudhakar
3. P.Saranath
4. Keerthi Priyadarshini
5. M.Deepika Priyadarshini
6. S.Enniyan
7. The Registrar,
Sub Registration Office, Velachery,
Velachery, Chennai – 40.

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying to call for the records of the Impugned order dated 11.11.2025 made in I.A.No.6 of 2025 in O.S.No.5819 of 2025 on the file of the learned IV Assistant City Civil Judge, Chennai and to set aside the same.

For Petitioner

: Mr.Arun
for Mr.J.Arokhiaraj



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For R7

: Mr.N.Muthuvel,
Government Advocate

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioners/ plaintiffs in IA.No.6 of 2025 seeking to re-open the case.

2. The petitioners herein filed a suit seeking declaration that various documents executed in favour of defendants were null and void and also for bare injunction restraining the defendants from alienating or encumbering the suit property. During the trial, certain documents were marked by the defendants through plaintiff side witness. After closure of the plaintiff side evidence, the defendants filed a memo stating that they were not leading any oral evidence. Thereafter, the petitioners/plaintiffs filed two applications one is to recall the case and other is to call the defendants 2 and 3 as their witnesses. Both the applications were dismissed by the trial court. Aggrieved by the same, the petitioners filed this revision. However, the petitioners only questioned the order passed in IA.No.6 of 2025 dismissing the petition seeking reopening of the case. The order passed in IA.No.7 of 2025 has not been challenged.



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3. In the affidavit filed in support of the petition seeking to reopen and recall, it was stated by the petitioners that defendants failed to enter the box and lead oral evidence. Therefore, it has become just and necessary to call defendants 2 and 3 as witnesses.

4. It is settled law that a party to the litigation cannot compel the opposite party to give evidence. Further, the plaintiffs are not entitled to call the defendants as their own witnesses. If the defendants are not ready to enter the box and give evidence, they can do so at their own risk and the plaintiffs cannot compel the defendants to enter the box. The trial court rightly appreciated the said position and dismissed the application filed by the petitioner. I do not find any error in the impugned order passed by the Trial Court. Accordingly, the Civil Revision Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

09.01.2026

Index : Yes / No
Internet : Yes / No
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To

1. The IV Assistant City Civil Judge,
Chennai.
2. The Registrar,
Sub Registration Office, Velachery,
Velachery, Chennai – 40.



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S.SOUNTHAR, J.

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